

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the grooves must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dal Monte (5,664,841) in view of Schreiber (DE 4221049). Dal Monte discloses the use of a an adjustable lumbar support assembly (4); a bowden cable actuator (38, 42) for actuating a bowden cable (39, 32, 26,) having a first wire (33) portion and a second wire portion (43); the first and second wire portion is formed by a single wire (10) movably in the sleeve of the cable, the bowden cable is held in place by the holding member (sleeve).

3. Dal Monte fails to show the use of a transmission amplifier assembly for the bowden cable, the transmission amplifier assembly comprising a rotary member being supported rotatably; the bowden cable with the wire portion being connected between the bowden cable actuator and the transmission amplifier assembly; the wire portion of the bowden cable being both coupled to the rotary member; the rotary support member is supported rotatably around a point of rotation, the point rotation being arranged eccentrically in the direction of the rotary member; the rotary member has a substantially longitudinal and elliptic shape; the wire portion are directly fixed at the rotary member.

4. Schreiber teaches the use of a transmission amplifier assembly (2,3) for the bowden cable (7), the transmission amplifier assembly comprising a rotary member (discs) being supported rotatably; the bowden cable with the wire portion (7) being connected between the bowden cable actuator and the transmission amplifier assembly; the wire portion of the bowden cable being both coupled to the rotary member; the rotary support member is supported rotatably around a point of rotation, the point rotation being arranged eccentrically in the direction of the rotary member; the rotary member (discs) has a substantially longitudinal and elliptic shape; the wire portion is directly fixed at the rotary member, see figures 1-2.

5. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the lumbar support assembly with a rotary member and amplifier as taught by Schreiber, in order to adjust the lumbar support member.

6. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Dal Monte and Schreiber as applied to claim 1 above, and further in view of Chevallier (FR 2765530). The combination of Dal Monte and Schreiber fails to show the use of a lever arm defined between the first and second wires and a point of rotation of the rotary member.

7. Chevallier teaches the use of a lever arm (5) defined between the first and second wires (12, 13) and a point of rotation of the rotary member (14).

8. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the lumbar support member with a lever arm as taught by Chevallier, in order to adjust the lumbar support member.

9. Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Dal Monte and Schreiber. The combination of Dal Monte and Schreiber teaches obvious use as claimed of the structures.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIKA GARRETT whose telephone number is (571)272-6859. The examiner can normally be reached on Monday-Thursday 9:30 a.m.-6:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. G./

Examiner, Art Unit 3636

October 22, 2004

/DAVID DUNN/

Supervisory Patent Examiner, Art Unit 3636